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**To:** [Holst, Linda](#); [Pfeifer, David](#)  
**Cc:** [Heiskary, Steven \(MPCA\)](#)  
**Subject:** eutrophication standard challenge  
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Good morning Dave and Linda:

As a follow up to Dave's voicemail I wanted to let you know that unfortunately the lawsuit has not gone away. MESERB previously petitioned the court to expand the administrative record to documents beyond what was included in the rulemaking record. We heard learned this week that the judge denied that petition. So the merits of the legal challenge will be based on the existing rulemaking record alone. Briefs are due to the court from MESERB in February and MPCA in March. Please let me know if you have any questions.

Thanks!

**Katrina Kessler, P.E.**

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